

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
September 28, 2021
7:00 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Rich Lintz, Ira Berkowitz, Bridget McAndrew, Susan Buse, Becky Patel, and Gary Feder.

Mayor Harris
City Manager Gipson
City Attorney O'Keefe

**Motion made by Alderman McAndrew to approve the September 14, 2021 minutes.
Alderman Berkowitz seconded.**

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER AN AMENDMENT TO CONDITIONAL USE PERMIT FOR PENO LOCATED AT 7600 WYDOWN BOULEVARD

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing to consider approving a resolution for an amendment to the Conditional Use Permit issued to Scarola, LLC, for the operation of a restaurant known as Peno. Patrick Kehm, restaurant owner, is requesting an amendment to the Conditional Use Permit to extend hours of operation to 10:00 p.m. on Friday and Saturday. The current Conditional Use Permit allows for hours of operation from 10:30 a.m. to 9:00 p.m. seven days a week.

Patrick (Pepe) Kehm was in attendance virtually to answer questions.

Alderman McAndrew congratulated Mr. Kehm on the business model he adopted and reinvented during the pandemic adding that the restaurant is her father's "go to" place since moving here within the last year.

Aldermen Berkowitz and Buse noted that they have not received any complaints or negative information related to the business.

Susan Istenes, Director of Planning, added that she did receive a concern from a neighbor regarding the lighting.

Mayor Harris lost virtual connect at 7:13 p.m.

Mayor Pro Tempore Lintz directed the meeting.

Lee Falk, resident, attending virtually, commented that Peno is across the street from her residence. She expressed her support for the restaurant and stressed in reference to noise that everyone, residents, businesses, and city, continue to work together, and be neighborly, and respectful.

Mayor Pro Tempore Lintz closed the public hearing.

Mayor Harris rejoined (virtually) the meeting at 7:14 p.m.

Motion made by Alderman Lintz to approve Resolution No. 2021-17

Alderman Lintz introduced Bill No. 6859, to granting a CUP to Scarola, LLC for the operation of Peno Restaurant located at 7600 Wydown Boulevard. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER SETTING THE TAX YEAR 2021 PROPERTY TAX LEVIES FOR FISCAL YEAR 2022 BUDGET – 2ND READING

Janet Watson, Director of Finance and Administration, reported that just recently the city received assessed value information now that the Board of Equalization process is complete and have updated the calculations accordingly. In general, the assessed values decreased from the Board of Equalization process and new construction amounts remained the same. The levies have been revised to reflect the values as shown redlined in the tables included in the Board packet. An amendment to the ordinance will be required to accept the levy changes from the previous reading. She stated that a motion to amend Bill 6859 by the text of Bill 6859.1 would be in order before the second reading.

Motion made by Alderman Lintz to approve an amendment to Bill No. 6859 to include the revisions to the rates as provided in the Board packet. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6859.1, to approve an ordinance setting the annual property tax rates for calendar year 2021 (Fiscal Year 2022) to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6859.1 as amended, second reading, an Ordinance Levying and Establishing the Rate of Annual Taxes for General Municipal Purposes; Police Building Debt Service; General Obligation Debt Service; and Special Business District Purposes to be Collected by the City of Clayton, Missouri, for the Year 2021 by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6721 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE PROPOSED FISCAL YEAR 2022 OPERATING AND CAPITAL IMPROVEMENTS BUDGET – 2nd READING

City Manager Gipson reported that in July, the Board of Aldermen received the City Manager’s proposed Fiscal Year 2022 Operating and Capital Improvements Budget. As part of the budget process, the Board held a public hearing to seek public input on September 14, 2021.

Alderman Lintz introduced Bill No. 6860, to approve the Fiscal Year 2022 Operating and Capital Improvements Budget to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6860, second reading, an Ordinance Adopting an Annual Budget for Fiscal Year 2022 Commencing on October 1, 2021, and Appropriating Funds Pursuant Thereto by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6722 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE SALE OF SPECIAL OBLIGATION REFUNDING BONDS – SERIES 2021 – 1ST READING

City Manager Gipson reported that the proposed ordinance provides for issuing bonds for the purpose of refunding the 2011 outstanding Special Obligation bond issue so the City can achieve approximately \$525,000 in savings over the lifetime of the bonds. The total estimated amount of bonds to be issued is approximately \$4,915,000. That amount with the bond premium will generate the amount necessary to refund the current bonds. The maturity date on the bonds is currently December 1, 2031 (fiscal year 2032) and that date will remain.

The City’s current bond rating for Special Obligation bonds has been AA+ (AAA when issuing general obligation bonds). City staff, financial advisor and bond counsel participated in a bond credit rating call on September 15, 2021 and are now awaiting the City’s updated rating. The higher the credit rating on the bonds the lower interest costs for the bonds should be, potentially saving additional money over the lifetime of the bonds.

The proposed ordinance would authorize and direct the issuance, sale, and delivery of the \$4,915,000 in Special Obligation bonds. In accordance with the Notice of Bond Sale, the sale of the bonds will occur at 10:00 a.m. on October 12, 2021, and we will know the final issuance

details at that time. Thus, the proposed ordinance should only be introduced for first reading tonight. He noted that the proposed ordinance and attachments will be finalized after the bond sale on October 12, 2021, and the revised documents will be distributed for your review and second reading that evening.

Todd Goffoy, Piper Sandler, was in attendance (virtually) to answer questions.

Paul Luhman, citizen, asked an underwriter has been selected.

Janet Watson, Director of Finance and Administration, stated that there will be a competitive bid process and an underwriter is selected after the sale.

In response to Mayor Harris' question, Mr. Goffoy explained the process of the Standard & Poor's rating.

Alderman Lintz introduced Bill No. 6864, to approve an ordinance authorizing the sale, issuance, and delivery of Special Obligation Refunding Bonds to be read for the first time by title only. Alderman McAndrew seconded.

City Attorney O'Keefe reads Bill No. 6864, first reading, an Ordinance authorizing the sale, issuance, and delivery of Special Obligation Refunding Bonds by title only.

The motion passed unanimously on a voice vote.

A RESOLUTION TO CONSIDER APPROVING A MEMORANDUM OF UNDERSTANDING REGARDING FISCAL YEAR 2022 COMPENSATION WITH THE MISSOURI COALITION OF POLICE, FRATERNAL ORDER OF POLICE, LODGE 15

City Manager Gipson reported that the bargaining representatives have met, discussed, and agreed upon the Memorandum of Understanding (MOU) as provided in the Board's packet which contains a resolution of employee compensation for police union members for Fiscal Year 2022. The police union members have ratified this agreement and it is being presented for Board approval.

Key provisions of the MOU include Base Wages - Employees will receive a 2 percent (2%) wage increase for FY 2022 along with a step increase when available; and Holiday Pay - Allowed employees may convert 80 hours, instead of 48 hours, of holiday leave to a cash payment.

Recommendation is to approve the resolution authorizing the City Manager to enter into a Memorandum of Understanding with Fraternal Order of Police, Lodge 15, regarding compensation for Fiscal Year 2022 and other required administrative actions as may be required to comply with the intent of this resolution.

City Manager Gipson thanked the negotiating teams, specifically, Janet Watson, Erin Huett, HR Manager, Chief Mark Smith, and Attorney Brian Hey for doing a great job in a timely manner.

Motion made by Alderman Lintz to approve Resolution No. 2021-18, authorizing the City Manager to enter into an MOU with the Fraternal Order of Police, Lodge 15. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

RECOMMENDATION FROM THE MAYOR'S COMMEMORATIVE LANDSCAPE TASK FORCE

City Manager Gipson reported that on September 14, 2021, the Mayor and Board of Aldermen received a recommendation from the Mayor's Commemorative Landscape Task Force to remove the portrait of Ralph Clayton, which hangs behind the mayor's seat in Council Chambers in City Hall. It is recommended that the portrait initially be a part of an educational display created in collaboration with Clayton Community Foundation at the Center of Clayton, where the whole and truthful story of this important historical figure can be told. After the display period, it was recommended that a suitable place for the portrait could be found in City Hall.

Alderman Feder expressed that he would like the Board to consider a recommendation to change the last sentence in the memo to the Board to read as *"After the display period, it is recommended that a suitable place for the portrait and an accompanying display should be found in City Hall."*

Alderman Lintz expressed concern to revisions that specifies the location to be City Hall and he feels that it would make more sense to be displayed at an alternate location, *i.e.* Hanley House, The Center of Clayton, etc.

Alderman Berkowitz commented that he is concerned with the process as it relates to revising the recommendation of the Commemorative Landscape Task Force that has been presented to the Board and is reluctant to making a commitment to Alderman Feder's suggested revision.

Alderman Feder commented that he disagrees with the previous comments and feels that this is an important manner understanding that this is a recommendation from the Task Force, but that the final decision is aldermanic. He added that he objects to the language as written and will cast a "no" vote as it is currently written.

Alderman Patel commented that she is not interested in being in the business of deciding what goes on the walls of City Hall or other public buildings. She stated that what is relevant as a Board action specifically in this case is in fact, we are removing the portrait from the council chambers which is the key aspect. She believes it warrants and requires Board action and prefers not to dictate or specify precisely what happens to the portrait when it is taken down. It should not be prominently displayed in council chambers where we work to foster an inclusive community.

Alderman Buse commented that the memo reads as a recommendation of the Landscape Task Force, and it is a concern that she has with regard to the process as previously expressed by Alderman Berkowitz. Her preference would be to leave it up to the CCF and the Landscape Task Force to find the appropriate place to best display the portrait, a decision that this Board should not make now.

Mayor Harris stated that she sits on the Task Force and feels that it is probably accurate that the Task Force did not deliberate as much as they (the Board), are doing tonight over the words "could or should, but they certainly deliberated over many well-chosen words on the recommendation. Her understanding from the Task Force discussions is that it was viewed as fine if it goes back to City Hall at some point, which would be appropriate, but not in the council chambers. The Task Force did talk about location, but only as a brainstorming discussion, but that they may come up with other ideas.

Mayor Harris added that she takes offense about the use of the word “decorate” because they are talking about an artifact that is meaningful as it relates to the community, and it is their job to look out for that artifact wherever it is placed. The Task Force recommended placing it as an educational display at the Center of Clayton, which is a great idea to include a narrative to be created. Afterward it will come down to the Board as to where it will be placed next. It is not a matter of “decorating,” it is a matter of safe-guarding and putting an artifact of the community that so much of Clayton’s history is embedded, good or bad, in a place that we think is appropriate as a Board. She is okay with the words “should or could,” and in the end this Board will decide on how to portray the painting.

Alderman McAndrew commented that a decision has been made to take the portrait down from the council chambers and she would be okay with the words “could” or “should” which leaves it open for the Task Force to look at what is created at the Center with the display. Once it has been there for a while then the Task Force could evaluate and possibly decide/recommend on where it should or could go.

Motion made by Alderman Lintz to accept the recommendation by the Commemorative Landscape Task Force as presented to the Board. Alderman Berkowitz seconded.

The motion passed by 6 – Ayes; 1 – Nay (Alderman Feder).

FISCAL YEAR 2021 3RD QUARTER FINANCIAL REPORT

Janet Watson, Director of Finance and Administration, provided a summary of the FY2021 3rd Quarter Financial Report previously provided in the Board’s packet.

Other

Alderman Berkowitz reported on the following:

- Missouri Municipal League (MML) Conference – announced that City Manager Gipson received the J.T. Bell Award
- Plan Commission/ARB
- St. Louis County is interested in placing three 85” television screens on the outside wall of their administration building for the purpose of announcing the public hearings.

Alderman McAndrew reported on the following:

- Clayton High School Homecoming parade – thanked the City staff for finding a good solution to routes due to street closure.

Alderman Buse reported on the following:

- Clayton Equity Commission subcommittees met.

Alderman Patel reported on the following:

- Attended various sessions at the MML conference

Alderman Feder reported on the following:

- Clayton High School Homecoming parade
- Jazz Fest

Mayor Harris reported on the following:

- Jazz Fest
- Art Fair numbers
- Downtown Design District H3 Tour
- MML Conference
- MYAC

There being no further business the meeting adjourned at 8:22 p.m.

Mayor

ATTEST:

City Clerk